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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,002	10/21/2005	Lars Jorneus	NOBELB.207NP	1703
20995 7590 12/31/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BUMGARNER, MELBA N	
			ART UNIT 3732	PAPER NUMBER
			NOTIFICATION DATE 12/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/522,002

Applicant(s)

JORNEUS ET AL.

Examiner

Melba Bumgarner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/11/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims in the last office action is withdrawn upon further review of the language of the specification and the language of the claims as amended. The following is the action on the merits of the amendment of October 11, 2007.

. Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-7, 14-16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hader (4,547,156). Hader discloses a dental assembly comprising a spacer 5 and an adapter 1 comprising first portion configured to cooperated with the spacer and a second portion capable of being configured to cooperate with an implant, the first portion defining a geometry which exceeds a geometry of a corresponding recess in the spacer, the first portion comprising parts that are moved resiliently inwardly and a slit 2 configured to give the first portion resilient properties to secure the adapter to the spacer, the adapter is completely enclosed. It would have been obvious to one of ordinary skill in the art as to the use with inferentially claimed implant. It would have been obvious matter of choice to one of ordinary skill in the art as to the spacer being ceramic in that artificial tooth components are known in the art to be made of various material including ceramic. The spacer has a cone shaped portion with an outer surface facing the implant. It would have been obvious to one of ordinary skill in the art as to the length of the first portion with respect to the total adapter and external cross section of the

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first portion, and the height of the spacer with respect to the total spacer as a modification in size is generally within the level of ordinary skill in the art. The slit can be said to extend along the first portion and into parts of the second portion. It would have been obvious matter of choice to one of ordinary skill in the art as to the specific length of the slit. The spacer and adapter can be released from one another. The adapter can be substantially unaffected in the longitudinal direction and cannot be acted upon by lateral or bending forces.

4. Claims 1-3, 5, 6, 9, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow (6,743,018). Morrow discloses a dental assembly comprising a spacer 14 and an adapter 16 comprising first portion configured to cooperated with the spacer and a second portion configured to cooperate with an implant, the first portion 48 defining a geometry which exceeds a geometry of a corresponding recess in the spacer (column 18 line 45), the first portion comprising parts that are moved resiliently inwardly and a slit 66 configured to give the first portion resilient properties to secure the adapter to the spacer. It would have been obvious matter of choice to one of ordinary skill in the art as to the spacer being ceramic in that artificial tooth components are known in the art to be made of various material including ceramic. The spacer bears a bottom surface 44 against a top surface of the implant 24, the assembly comprises a locking screw 52, it would have been an obvious matter of choice to one of ordinary skill in the art as to the assembly mounted such that a gap is located between the surfaces. The first portion has a length of about $\frac{1}{5}$ of the total length of the adapter, spacer has a cone shaped portion with a outer surface facing the implant, and it would have been obvious to one of ordinary skill in the art as to the height of the spacer with respect to the total spacer. The slit extends along the whole extent of the first portion and it would have been obvious matter of choice to one of ordinary

skill in the art as to the specific length of the slit. The spacer and adapter can be released from one another. The adapter can be substantially unaffected in the longitudinal direction and cannot be acted upon by lateral or bending forces. The adapter includes a plurality of slits and at least one slit extends in a longitudinal direction with respect to the adapter.

5. Claims 8, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gervais et al. (2003/0054319). Gervais et al. disclose a dental assembly comprising a spacer 279 and an adapter 150 for securing the spacer, the adapter comprising a first portion and a second portion configured to cooperate with the spacer and the implant, when the spacer is in its position fitted on the implant, the adapter is completely enclosed by the spacer and the implant when fitted on the implant (figure 19) and the first portion of the adapter comprising penetrating parts comprising corners of a polygon configured to deform against contact surfaces of the spacer (figure 11). It would have been obvious matter of choice to one of ordinary skill in the art as to the spacer being ceramic in that artificial tooth components are known in the art to be made of ceramic. The spacer comprises a recess. The penetrating parts comprising corners of the polygon could be called projecting parts.

Allowable Subject Matter

6. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 21-26 are allowed.

Response to Arguments

8. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriquez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melba Bumgarner
Primary Examiner